REMARKS

Entry of this response is respectfully requested.

Claims1-8 are in this application.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szczutkowski

et al. (U.S. Patent No. 4,817,146) in view of Cookson et al. (U.S Patent No. 5,896,454).

Independent claim 1 recites in part:

> "a cipher processing circuit **for enciphering the data** to be transmitted **by one of a number of predetermined cipher modes**, in which one of said predetermined cipher modes is a copy once prohibition mode wherein the data can not be reproduced more than once..."

(emphasis added)

It is respectfully submitted that neither Szczutkowski nor Cookson, whether taken alone

or in combination teach or suggest the above-recited feature of claim 1. Although the system of

Szczutkowski shown in FIG. 1 appears to transmit data utilizing a conventional "clear" mode or

a cryptographic "private" mode, as the Examiner admits in the Office Action neither of such

modes is a "copy once prohibition mode." In an attempt to overcome this deficiency, the

Examiner relies on Cookson and asserts that Cookson teaches the "copy once prohibition mode."

However, contrary to the Examiner's assertions Cookson does not teach a copy once prohibition

cipher mode. In fact, Cookson doesn't teach the use of cipher modes at all. Instead, Cookson

appears to teach the inclusion in a bit stream from a data storage medium of a 2-bit code which

can be recognized by a player device. The 2-bit code can include for example, a first generation

copy allowance, or a no copy restriction. This 2-bit code is merely an anti-copying means added

to CD's, DVD's and the like. Thus, this 2-bit code is not utilized to encipher data.

Independent claim 1 also recites in part:

> "a transmission circuit for **adding the enciphering information to the data enciphered** in the cipher processing circuit..."

Further, there is no teaching or suggestion in Cookson or Szczutkowski, whether taken alone or in combination, of "adding the enciphering information to the data enciphered in the cipher processing circuit." In Szczutkowski, there is no discussion of including **enciphering information** in the transmitted data stream, and in Cookson, there is no teaching of enciphered data. Accordingly, the inclusion of the enciphering information to the already enciphered data patentably distinguishes the claim 1 over the applied combination of cited prior art references.

For reasons somewhat similar to those described above with regard to independent claim 1, independent claims 3, 5, 6 and 8 are believed to be distinguishable from Szczutkowski.

Claims 2, 4 and 7 depend from one of claims 1, 3, 5, 6 and 8, and, due to such dependency, are also believed to be distinguishable from Szczutkowski for at least the reasons previously described.
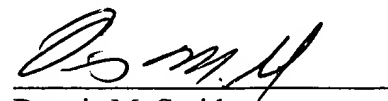
In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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